

When recorded return to:
Clerk of the Board
Mohave County
P.O. Box 7000
Kingman, AZ 86402

RESOLUTION NO. 98-161

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MOHAVE COUNTY
PERTAINING TO TRANSPORTATION CONFORMITY, AFFIRMING PARTICIPATION IN A
CONSULTATION PROCESS, CONCURRING IN CERTAIN DESIGNATIONS, AND
NOMINATING A COUNTY LIASON FOR FUTURE TRANSPORTATION CONFORMITY
RELATED ACTIVITY.**

WHEREAS, the Mohave County Board of Supervisors ("Board") is empowered under Title 49 of the Arizona Revised Statutes to adopt rules and take other measures for the purpose of controlling the release of air contaminants within the County;

WHEREAS, the Board is empowered under Titles 11 and 28 of the Arizona Revised Statutes to manage certain roadways lying within the unincorporated areas of the County;

WHEREAS, a part of Mohave County, Arizona, has previously been designated under the Clean Air Act ("CAA") as "nonattainment" with respect to national ambient air quality standard for particulate matter;

WHEREAS, CAA Part D requires that where a nonattainment area exists, the appropriate governmental agencies formulate an implementation plan that will manage emissions to the degree required to prevent future exceedences of the relevant national ambient air quality;

WHEREAS, CAA § 176 effectively obligates governmental agencies receiving federal money to conduct their planning and permitting activities in a manner that will not violate the prevailing implementation plan;

WHEREAS, the Environmental Protection Agency has promulgated detailed rules (i.e. 40 CFR Part 51, Subpart T *Conformity to State or Federal Implementation Plans of Transportation Plans, Programs and Projects Developed, Funded or Approved Under Title 23 U.S.C or the Federal Transit Act* and 40 CFR Part 93, Subpart A *Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S. C. or the Federal Transit Act*) aimed at assuring that transportation-related projects, funded wholly or in part with federal money, will conform to the prevailing implementation plan;

WHEREAS, the EPA's Transportation Conformity Rules require that the empowered planning agency for each nonattainment area in question consult with other affected governmental entities, and that:

- 1) they collectively:
 - a) designate those transportation routes that will fall subject to the conformity planning process,
 - b) define the minimum project size that will allow projects to escape the conformity planning process, and
- 2) The affected local governmental entities designate a liaison, to represent that unit of government in future conformity analyses and communications.

THEREFORE, FOLLOWING PUBLIC NOTICE AND A PUBLIC HEARING, AND FOR THE PURPOSE OF DEFINING MOHAVE COUNTYS PARTICIPATION IN THE TRANSPORTATION CONFORMITY PLANNING PROCESS OUTLINED ABOVE, THE MOHAVE COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES TO:

- 1) Acknowledge that the County has been consulted by the lead agency, namely the Arizona Department of Transportation ("ADOT"), in the development of the transportation conformity plan for the Nonattainment Area;
- 2) Concur that State Routes 68 and 95 define the only regionally significant transportation corridors in the Mohave County portion of the Nonattainment Area;
- 3) Concur that ADOT shall have original and primary responsibility for transportation conformity planning with respect to the regionally significant transportation corridor defined above;
- 4) Concur that projects Less than 1/2 mile in length of the above-defined regionally significant transportation corridors should be exempted from the transportation conformity planning requirements;
- 5) Designate the County Engineer of Mohave County as the County's liaison for future transportation conformity related analyses and consultation.

IN WITNESS WHEREOF, the undersigned, in accord with the vote of the Mohave County Board of Supervisors as duly reflected in the minutes of the Board meeting, have executed this document on behalf of the Board of Supervisors on this 6th day of April 1998.

MOHAVE COUNTY, a body politic and corporate of the State of Arizona.

By: _____

Chairman of the Board of Supervisors

By: _____

Clerk of the Board of Supervisors

APPROVED AS TO FORM:

William Ekstrom

Mohave County Attorney

By: _____

County Attorney